



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Christoph von **EICHEL-STREIBER** et al.

Appln. No.: 09/581,005

Group Art Unit: 1632

Filed: June 06, 2000

Examiner: Paras P. Jr.

For: **TCG METHOD FOR INDUCING TARGETED SOMATIC TRANSGENESIS**

Attorney Docket No.: 4007.002

INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. §1.97 and §1.98

Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

Sir:

In accordance with the duty of disclosure under 37 C.F.R. §1.56, Applicants hereby notify the U.S. Patent and Trademark Office of the following documents for the above-identified application which were cited by the Examiner in the corresponding German and Australian Patent Applications. Copies of the documents set forth below and listed on the attached Form PTO-1449, and copies of the search reports, are provided herewith.

1. D. A. Saltzman et al, Cancer Biother Radiopharm (1996) 11(2) pp 145-53 "Attenuated Salmonella typhimurin containing interleukin-2 decreases MC-38 hepatic metastasi: a novel anti-tumor agent" (PubMed Accession No. 10851531)

2. Biosis BA 70: 30266 / DN (Abstract of: Schaffner, W., PNAS 77, 1980, 2163-7)

U.S. PATENT APPLICATION
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ATTY DOCK: 4007.002

Document 1

This is an English language document and thus self explanatory.

Document 2

This is an English language document and thus self explanatory.

It is noted that the German Examination Report additionally mentions HCA 123:307526: Belyavskaya et al, Mol. Genet. Mikrobiol. Virol. 6:1994, 12-16. However, this reference is not relevant to the present invention in that, in this reference, the expression of eukaryotic genes in prokaryotic hosts is described. There is no teaching or suggestion of expressing foreign DNA in such hosts (animal cells, tissues or whole bodies). Animal hosts are not the subject of this reference.

The present Information Disclosure Statement is being filed after the mailing date of the first Office Action on the merits, therefore the fee under 37 C.F.R. §1.17(p) is submitted herewith.

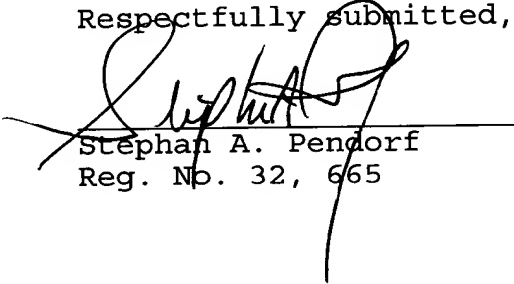
The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicant does not waive any right to take any action that would be appropriate to antedated or otherwise remove any listed document as a competent reference against the claims of the present application.

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Applicant respectfully requests that the listed documents be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO-1449 be returned in accordance with MPEP §609.

Respectfully submitted,



Stephan A. Pendorf
Reg. No. 32, 665

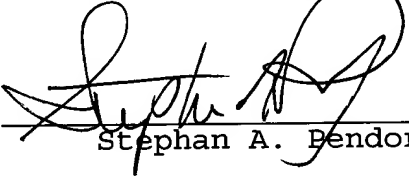
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Dated: July 3, 2002

CERTIFICATE OF MAILING AND AUTHORIZATION TO CHARGE

I hereby certify that the foregoing INFORMATION DISCLOSURE STATEMENT Form PTO-1449, including two documents, for U.S. Application No. 09/581,005 filed June 6, 2000, was deposited in first class U.S. mail, postage prepaid, addressed: Attn: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on July 3, 2002.

The Commissioner is hereby authorized to charge any additional fees, which may be required at any time during the prosecution of this application without specific authorization, or credit any overpayment, to Deposit Account No. 16-0877.



Stephan A. Pendorf